

**FUNERAL DIRECTORS EXAMINING BOARD  
MINUTES  
MADISON, WISCONSIN  
July 17, 2001**

**PRESENT:** Dan Densow, W. Robert Cress, Rick Unbehaun, and Bonnie Gift

**EXCUSED:** Roy Pfeffer and Peter Schils

**STAFF PRESENT:** Clete Hansen; Jacquelynn Rothstein, Legal Counsel; Department staff and Division of Enforcement staff for portions of the meeting

**GUESTS:** Mark Paget, WFDA, until 11:40  
Ashley Moore, FSA, until 11:40  
Erin Longmire, FSA, until 11:40  
Mark Krause until 11:40  
Christine Jacob until 11:40  
Alfred Ward until 11:40  
Willaim C. Hartley until 11:40  
Barbara Schuler, WTCSB, until 11:40

**CALL TO ORDER**

The meeting was called to order at 9:45 a. m. by Dan Densow, Vice Chair. A quorum of 4 members was present.

**AGENDA**

The agenda were informally approved, as published. Clete Hansen advised that the Board would not be able to act on the Proposed Decision, relating to Alan Jensen, Jensen-Jinsky Funeral Home, and Peter N. Van Wagenen.

**MINUTES (5/8/01)**

**MOTION:** Rick Unbehaun moved, seconded by Bob Cress, to approve the minutes, with an amendment to the motion at the bottom of page 2, stating that Rick Unbehaun seconded the motion. Rick Unbehaun seconded the motion. Motion carried unanimously.

**ADMINISTRATIVE REPORT**

**Bureau Director's Report**

Clete Hansen referred to several items that were given to the Board before the meeting began.

**Board Roster**

The Board received an updated roster. Noted.

### **2001 Meeting Dates**

The Board received an updated copy of the 2001 meeting dates. Bonnie Gift noted that November 6 is Election Day. Therefore, the Board requested that Clete Hansen consult with Board members about an alternate date for the month of November.

### **Expense Reimbursement Changes**

Noted

### **To-Do List**

Noted

### **Per Diem Report on Official Attendance at Meetings of National Organizations**

Clete Hansen said that staff will remind Board members to complete this form after attending a meeting of a national organization.

### **Monthly Press Releases**

Clete Hansen explained William Dusso's memo concerning monthly press releases and the fact that each month's releases will be included in the green-covered report that contains information about administrative rulemaking and court actions. The Board briefly discussed these matters, particularly, how this press release policy differs from the previous policy and what types of actions are exempt from being included in a press release.

### **To-Pass Folder**

The To-Pass Folder was circulated and duly noted.

## **LEGISLATIVE UPDATE**

### **Regulation of Crematories**

Clete Hansen referred to correspondence he had with Myra Shelton, Executive Assistant and Legislative Liaison for the Department. Ms. Shelton has requested that the Legislative Reference Bureau prepare a draft as soon as possible. However, a draft has not yet been received.

### **Biennial Budget Bill**

Clete Hansen informed the Board that proposed cemetery legislation has been reviewed by the Joint Finance Committee, the Senate, the Assembly and the Conference Committee. The Conference Committee agreed to include certain provisions in the proposal for counties over

600,000 people (Milwaukee County). The Department has opposed the creation of a management fund.

Clete Hansen also informed the Board that a provision for increasing the amount of an irrevocable trust is still in the Budget Bill; however, the cemeterians' request for an increase in funding for indigent burials has not been included in the Bill.

### **Correspondence Relating to 2001 SB 51, SB 171 and SB 376**

The Board noted letters prepared by Clete Hansen on behalf of the Board.

### **ADMINISTRATIVE RULES**

Dan Densow convened an administrative rules hearing at 10:30 a.m., relating to education, apprentices and examinations. No one officially testified at the hearing. However, after some discussion, Jacquelynn Rothstein suggested an amendment that clarified the intent of the Board.

**MOTION:** Bob Cress moved, seconded by Rick Unbehaun, to amend FD 4.045 (intro), as follows: "Instructors for continuing education shall possess one of the following minimum qualifications." Motion carried unanimously.

Dan Densow invited persons in attendance to testify concerning this amendment; however, no one chose to do so.

**MOTION:** Rick Unbehaun moved, seconded by Bob Cress, to authorize the Department to send the final draft to the legislative committees, provided that no correspondence is received by interested persons by the deadline, suggesting additional changes to the rule proposal. Motion carried unanimously.

Jacquelynn Rothstein stated that the DRL Rules Office would make the technical changes recommended by the Rules Clearinghouse.

The hearing was closed at 10:42 a.m.

### **EXAMINATION ISSUES**

The Board discussed the letter that staff had sent to All Colleges of Mortuary Science on May 29, 2001, entitled New Examination Procedures. Dan Densow discussed a question that he had received, relating to whether 2 apprentices should only have been scheduled for the State Law Exam on July 19, 2001. Clete Hansen requested that Mr. Densow should contact the individuals again and confer with staff, to be sure the individuals have been properly scheduled for the exam.

### **BOARD MEMBER ACTIVITY**

### **Appointment of Rick Unbehaun as Monitoring Liaison**

**MOTION:** Bonnie Gift moved, seconded by Bob Cress, to appoint Rick Unbehaun as the Board's liaison with the Department's Disciplinary Monitor, Marlene Meyer. Motion carried unanimously.

### **Other Board Member Activity**

Bonnie Gift reported on her attendance at the Wisconsin Funeral Directors Association convention in Fox Hills. Dan Densow commended Ms. Gift for the time and effort that she has put into learning about the funeral directing profession.

Dan Densow reported that he presented the proposed cremation legislation to the Alliance of Funeral Services of Wisconsin. He reported that some good questions were posed regarding the proposal and that there was good support for the proposal.

### **APPOINTMENT OF COMMITTEE TO REVIEW STATUTES AND RULES**

Roy Pfeffer had proposed this agenda item. Since Mr. Pfeffer and another Board member were not present at the meeting, the Board passed the following motion:

**MOTION:** Rick Unbehaun moved, seconded by Bonnie Gift, to table the creation of a review committee until the next meeting. Motion carried unanimously.

### **MODEL PRENEED GUIDELINES, NATIONAL FUNERAL DIRECTORS ASSOCIATION**

Jacquelynn Rothstein distributed a document that the Board had requested at the last meeting. The document was entitled: "Statutory and Rule Provisions Governing Preneed Agreements." The Board informally agreed to place this item on the next agenda.

### **MISCELLANEOUS CORRESPONDENCE/INFORMATION**

#### **Letter From the Fortis Family, Regarding the 30-Day Advance Notice for Agent Courses**

The Board discussed the possibility of a rule change. Jacquelynn Rothstein advised that a rule change may be unnecessary.

**MOTION:** Bob Cress moved, seconded by Rick Unbehaun, to authorize staff to approve an agent's training program without requiring a new 30-day waiting period in those situations where the application for approval of the program had already been submitted to the Department and only the date of the program is going to be changed or added to. Motion carried unanimously.

**Letter of Department of Justice to City of Milwaukee and the City of Glendale, Regarding Evergreen Cemetery**

Clete Hansen, Jacquelynn Rothstein and Candace Bloedow briefly explained this letter.

**Question: Whether Apprentices May Conduct Removals**

Clete Hansen informed the Board that Roy Pfeffer had suggested that the Board review a form prepared by the Department of Health and Family Services, Form #5043 (Rev. 12/92). Jacquelynn Rothstein advised that FD 2.06 (2), Wis. Admin. Code, says: "Apprentices may conduct funeral services or make removals of bodies under the supervision of a licensed funeral director."

**MOTION:** Rick Unbehaun moved, seconded by Bob Cress, to amend a page in the Funeral Director Apprenticeship Training Workbook, entitled "CARE AND PREPARATION OF HUMAN REMAINS" by adding a new #10, to read: "Transfer human remains from the place of death to the funeral establishment." This item should be marked as "D6." Motion carried unanimously.

**Letter to Phil Holly, Relating to Length of Apprenticeship**

The Board noted the correspondence between Phil Holly and Clete Hansen. The Board informally concurred with the staff proposal for revising the APPRENTICE SEMI-ANNUAL REPORT form.

**NEW BUSINESS**

None

**PUBLIC COMMENTS**

None over and above those already made during the discussion of specific topics.

**PRESENTATION OF PROPOSED STIPULATION BY PROSECUTOR**

Candace Bloedow, DOE Investigator, offered to answer any questions regarding the proposed stipulation relating to Daniel T. Pannell (Eau Claire, WI)

**RECESS TO CLOSED SESSION**

**MOTION:** Bonnie Gift moved, seconded by Rick Unbehaun, to convene the meeting in Closed Session pursuant to Sections 19.85(1)(a), (b), (f), and (g), Wis. Stats., to consider the licensing or discipline of a person licensed by the Board or the investigation of charges against such a person. Specifically, to discuss the issue of case status reports, case closings, monitoring issues, extension requests, and pending applications. Motion carried

unanimously by a roll call vote: Bonnie Gift-yes; Bob Cress-yes; Rick Unbehaun-yes; Dan Densow-yes.

Open Session recessed at 11:40 a. m. and Closed Session convened at 11:55 a. m.

### **CLOSED SESSION**

The Board received a copy of the Case Status Report and discussed all the open cases with DOE Investigator, Willie Garrette.

The Board deliberated on 2 case closings, a monitoring report, an application for reciprocal licensure and a proposed stipulation.

### **RECONVENE IN OPEN SESSION**

**MOTION:** Rick Unbehaun moved, seconded by Bonnie Gift, to reconvene in Open Session at 12:53 p. m. Motion carried unanimously.

### **VOTING ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION**

#### **MONITORING REPORT**

#### **Jeffrey D. Ward d/b/a Bruni Nygaard-Ward Funeral Home (Edgerton, WI)**

**MOTION:** Bonnie Gift moved, seconded by Rick Unbehaun, to return the respondents' licenses to full and unrestricted status. Motion carried unanimously.

Jacquelynn Rothstein will prepare an Order relating to this decision.

#### **CASE CLOSINGS**

**MOTION:** Rick Unbehaun moved, seconded by Bob Cress, to close Case 00 FDR 019 for NV, as to Austin, but to keep the case open, as to Edling. Motion carried unanimously.

**MOTION:** Rick Unbehaun moved, seconded by Bonnie Gift, to close Case 00 FDR 011 for P2, compliance gained. Motion carried unanimously.

#### **PENDING APPLICATIONS**

#### **Bruce Kalm (Ironwood MI)**

**MOTION:** Bonnie Gift moved, seconded by Bob Cress, to deny the application of Bruce Kalm for a license by reciprocity, because Mr. Kalm has not satisfied the educational requirement. Motion carried unanimously.

Jan Bobholz will prepare an Order relating to this decision.

### **PROPOSED STUPULATION**

**Daniel T. Pannell (Eau Claire, WI)**

**MOTION:** Bob Cress moved, seconded by Rick Unbehaun, to accept the proposed Stipulation and Order, relating to Daniel T. Pannell. Motion carried unanimously.

### **LEGAL ACTION AGAINST THE LOEWEN GROUP**

The Board agreed to table this matter until the next meeting.

### **ADJOURNMENT**

**MOTION:** Bonnie Gift moved, seconded by Rick Unbehaun, to adjourn the meeting at 1:07 p. m. Motion carried unanimously.

**Next Meeting Date: September 18, 2001**